

**Town of Westfield
Planning Board
MINUTES
July 6, 2020**

The Westfield Planning Board met on July 6, 2020 at 7:30 pm. Due to the coronavirus pandemic, this meeting was held remotely through Zoom Webinar. The public was provided with access to join the webinar through Zoom.

In compliance with Chapter 231 P.C. OPEN PUBLIC MEETINGS ACT in the State of New Jersey, adequate notice of this meeting was provided to all members of the Planning Board and the newspapers that have been designated to receive notice, the Star Ledger and the Westfield Leader.

Chairman Newell called the meeting to order and opened the meeting by calling all present to join in the Pledge of Allegiance to the Flag.

ROLL CALL:

PRESENT: Robert Newell, Mayor Shelley Brindle, Michael Ash, Michael La Place, Kris McAloon, Linda Habgood, Ann Freedman, Anastasia Harrison, Matthew Ceberio, Ross Goldstein
ABSENT: Danielle Walsh
ALSO PRESENT: Alan Trembulak, Planning Board Attorney, Donald Sammet, Town Planner, Linda Jacus, Administrative Secretary

ADOPTIONS OF MINUTES:

Chairman Newell called for a motion to adopt the minutes of the June 1, 2020, meeting. Michael Ash made a motion to adopt; Anastasia Harrison seconded.

ALL IN FAVOR: Robert Newell, Mayor Shelley Brindle, Linda Habgood, Michael Ash, Michael La Place, Anastasia Harrison, Matthew Ceberio, Ross Goldstein
OPPOSED: None
ABSTAINED: Kris McAloon, Ann Freedman
ABSENT: Danielle Walsh

Motion carried.

ADOPTION OF RESOLUTIONS:

Resolution designating the following properties as an area in need of redevelopment:
Block 2405, Lot 15, 146 Elm Street; Block 2505, Lot 12.01, 131 Elm Street; Block 3001, Lot 5, 360 Waterson Street; Block 3101, Lot 5, 300 South Avenue West; Block 3103, Lot 7, 301 North Avenue West; Block 3107, Lot 2, 116 Elmer Street; Block 3116, Lot 11, 148 Central Avenue.

Matthew Ceberio made a motion to adopt the resolution; Michael Ash seconded.

ALL IN FAVOR: Robert Newell, Mayor Shelley Brindle, Linda Habgood, Michael Ash,
Michael La Place, Anastasia Harrison, Matthew Ceberio, Ross Goldstein
OPPOSED: None
ABSTAINED: Kris McAloon, Ann Freedman
ABSENT: Darielle Walsh

Motion carried.

Chairman Newell announced that the following application has been carried to the August 3, 2020, meeting:

PB 19-10 923 Central Avenue, LLC., 923 Central Avenue

EXTENSION OF TIME:

PB 12-20, Stop & Shop Supermarket, LLC., 195, 203, 219 & 233 Elm Street, Block 2505, Lots 4, 5, 6, & 7

Applicant is requesting a one-year extension.

The Board granted an initial one-year extension last year that will expire on July 22, 2020. The current request is for a second one-year extension that would expire on July 22, 2021.

Chairman Newell called for a motion. Michael La Place made a motion to approve the extension for one year; Ann Freedman seconded.

ALL IN FAVOR: Robert Newell, Mayor Shelley Brindle, Linda Habgood, Michael Ash,
Michael La Place, Kris McAloon, Ann Freedman, Anastasia Harrison,
Matthew Ceberio, Ross Goldstein
OPPOSED: None
ABSTAINED: None
ABSENT: Darielle Walsh

NEW APPEALS:

PB 20-03 Alfa Realty Management, LLC., 414 Central Avenue 4/21/2020
Block 3006 Lot 3

Applicant proposes to construct an addition of 6,337 square feet to the rear portion of the existing building, which will contain a total of four, two-bedroom apartments, contrary to Section 11.26E2, 17.02/17.02A1 of the Land Use Ordinance. Ordinance requires 0 feet or a minimum of 10 feet if a side yard setback is provided. Proposed is 3.5 feet and 3.58 feet. Ordinance requires 33 parking spaces. Proposed are 11 parking spaces. **Application deemed complete on June 15, 2020. 120 day decision date is October 13, 2020.**

Mayor Brindle recused herself from the application.

Stephen Hehl (370 Chestnut Street, Union) appeared on behalf of the applicant. Mr. Hehl stated this is an application to add residential units to an existing office building. There was

a previous application that went before the Board in 2018 which was denied. The previous application was also for a residential addition, but the rear setback was much closer to the residential properties, and the side yard setbacks were narrower than the current application. Mr. Hehl stated adding the residential component is important because the property is within walking distance to public transportation and the downtown.

Chairman Newell swore in Thomas DiGiorgio (414 Central Avenue). The Board accepted Mr. DiGiorgio's credentials as a licensed architect.

Mr. DiGiorgio described the existing conditions. He stated the size of the lot is 60x150, and the property is located in the GB-1 zone. There is an existing two-story commercial building on site, and the proposed second & third story addition contains a total of four two-bedroom apartments. The ground level will remain open to accommodate the surface parking on site. Although the surface parking area will be partially covered by the proposed building addition, it will remain in its present configuration except for the loss of two parking spaces due to the construction of a new stairwell. The ordinance does require 33 parking spaces for the site, and 11 parking spaces are proposed, which includes 1 ADA parking space. The proposed addition does meet the front yard and rear yard setback requirements, but variances are necessary for the side yard setbacks. The proposed side yard setbacks are 3.5 feet and 3.58 feet with a lesser setback of 1.33 feet to the columns on the northerly side yard. The front elevation of the building is not changing, and the proposed siding, brick, and roofing materials will match what is existing. Any lighting will be shielded so it will not disturb the surrounding neighbors. The existing fencing will remain and the dumpster will be enclosed. Seven to eight-foot-tall arborvitaes will be added along the rear property line to provide screening.

Open to public questions:

Alan Gibbemeyer (521 Carleton Road) stated he is concerned about the parking deficiency and asked if additional parking spaces were considered.

Henry Su (515B Carleton Road) stated he was glad to see the rear setback issue was addressed from the previous application, but he is also concerned about parking. There are four residential units proposed with less parking than previous application which only had three residential units.

Robert Hoernlein (517 Carleton Road) stated he is concerned about the parking deficiency. If each two-bedroom unit has two cars and there is not enough parking on site, they will park on Carleton Road which is already overcrowded with parked cars.

Kate Mulkeen (520 Carleton Road) stated she is concerned about parking.

Closed to the public for questions.

Chairman Newell swore in Paul Grygiel (33-41 Newark Street, Hoboken). The Board accepted Mr. Grygiel as a licensed planner.

Mr. Grygiel stated this is an existing office building that is in a built-up section of town and there are a mix of land uses surrounding the property. The residential use is permitted in GB-1 zone, and the master plan encourages mixed use development. All changes are limited to the rear of the building, and the addition complies with the height and rear yard setback requirements. A variance is being requested for the proposed side yard setbacks which will be 3.5 feet and 3.58 feet. The other variance being requested is for parking, 33 parking spaces are required by the ordinance, and 11 parking spaces are proposed. There are some benefits to allowing the expansion of the office building and allowing the permitted residential use. We are proposing a greater side yard setback than what currently exists on the property. Currently the side yard

setbacks are 0.1 feet and 0.7 feet, and the setbacks are being increased to 3.5 feet and 3.58 feet. The setbacks do not impact any residential properties to the rear and the addition is being placed where there is more intense development such as a gas station and day care center. The parking proposed is less than what is required, but there are a number of reasons why this could be granted. There are different peak times for an office use and residential use. Professional and/or business offices peak during normal business hours, while the residential peak parking demand would be early morning and during the evening hours when the professional offices are closed. The site is also within walking distance to the train station and the downtown, which would attract commuters who are less likely to own personal vehicles. Typically, it would not be a large household moving into this type of apartment, and the second bedroom would be more than likely used as an office. There are on street parking spaces in the area on Central Avenue and a municipal parking lot within walking distance. This mix of land uses meets the objectives in the 2019 master plan reexamination which encourages different types of housing within walking distance to the downtown and transportation. Mr. Grygiel stated the variances can be granted without any substantial detriment to the public good and will not impair the master plan or zoning ordinance.

Open to public questions:

Alan Gibbemeyer (521 Carleton Road) stated he likes the proposal with the mixed use, but does not agree with the trend people are giving up using their cars. Some additional parking on site would make the project more palatable.

Robert Hoernlein (517 Carleton Road) stated he is concerned about the parking deficiency. There are 11 spaces proposed, one space is handicapped and there is one electric vehicle charging spot so you are down to 9 spaces. Each apartment could have 2 cars and with clients coming and going for the business uses, and guest parking for the apartments, having 9 parking spaces is inadequate for this size lot.

Henry Su (515B Carleton Road) stated he did not hear anything specifically addressing why this project was chosen to be four units, and why it could not be less units.

Kate Mulkeen (520 Carleton Road) stated people would use their cars to do grocery shopping and to drop their kids off at school; the schools in the area are not in walking distance.

Philip Vasquez (527 Carleton Road) stated there are a lot of rental properties in the area and there is limited parking. We need to solve the parking problem in the area.

Closed to the public for questions.

Chairman Newell stated there is a severe deficiency with the parking, which is a concern. Only a third of what is required for parking is proposed. The Board asked if the applicant would look at having additional parking in an adjacent lot.

Mr. Hehl stated the applicant would not have any problem committing to providing additional parking spaces, and is flexible with the number of spaces. The location for the parking would be within close proximity to the building.

Open to public comments:

Robert Hoernlein (517 Carleton Road) stated more spaces will be provided, but it does not take into account the handicapped spot and the electric charging spot. The surrounding area is too dense right now and this would only make it worse. This project is not going to improve the parking situation, and underground parking would be a great idea.

Doug Miller (619 Carleton Road) stated there are a lot of 2 family homes in the area that have two cars so we should assume that each unit in this development would have two cars. There are a lot of people who take the train and park on Carleton Road and Park Street, and there are even less places to park when there are leaves and snow on the ground. The trend for the future is more cars. Currently this lot is typically half full on any given day without any apartments. The existing thirteen parking spots are well under the required limit and we are adding 8 cars so the proposed plan is not adequate at all.

Kate Mulkeen (520 Carleton Road) stated 33 parking spaces is still greater than 15 spaces, they will park on Carleton Road so I am strongly opposed.

Henry Su (515B Carleton Road) stated it is nice to have the extra spots, but other developments like 333 Central Avenue offers more parking. On some days there are 11 parking spots used and what if a new business comes in and needs more spots. Mr. Su stated why does it need to be 4 units, it should be less units, and he does not agree with the argument that there is not detriment to the public good.

Jennifer Su (515B Carleton Road) stated she is concerned about the school system which already strained as there could be school age children moving into the apartments.

Closed to public comments.

The Board agreed the electric charging spot and ADA spot should not be seen as a negative and those spots should be celebrated. Those spots should not be seen as they are taking away from legitimate parking spots as they are legitimate spots which will be used. The master plan reexam talked about diverse housing types and bringing people to the downtown, and the applicant is doing that. The current application is better than what was previously before the Board, and the purchase of 8 additional spaces reserved for the tenants meets the parking need as much as it could.

Chairman Newell called for a motion. Michael Ash made a motion to approve; Ann Freedman seconded.

ALL IN FAVOR: Robert Newell, Linda Habgood, Michael Ash, Michael La Place, Kris McAloon, Ann Freedman, Anastasia Harrison, Matthew Ceberio, Ross Goldstein

OPPOSED: None

ABSTAINED: Mayor Shelley Brindle

ABSENT: Darielle Walsh

Motion carried.

Application approved.

OTHER BUSINESS:

General Ordinance #2177-An ordinance amending the Land Use Ordinance to establish and regulate boarding houses.

General Ordinance #2178-An ordinance amending and supplementing the Code of the Town Westfield relating to solar energy systems.

General Ordinance #2180-An ordinance to amend the Land Use Ordinance in regard to wall-mounted signs for corner lot.

General Ordinance #2181-An ordinance to amend the Land Use Ordinance in regard to the definition of an accessory building or structure.

General Ordinance #2182-An ordinance to amend the Land Use Ordinance in regard to dimensions of garage parking spaces.

General Ordinance #2183-Replaces General Ordinance #2179-An ordinance establishing a Historic Preservation Commission and providing for the designation and preservation of historic districts and historic landmarks.

Don Sammet stated Ordinance 2177 affects the Land Use Ordinance by making a "boarding house" a permitted conditional use in the RM-12, RM-8, RM-6, RM-6D, P-1, P-2, and GB-3 zone districts. The definition of a "boarding house" will be added to mean a single-family residence or either unit of a two-family residential use or any unit in a multi-family residence in which two or more room areas are rented individually or separately to tenants under separate rental agreements.

Ordinance 2178 amends regulations that the town has in place regarding the installation of solar energy systems (solar panels). The current ordinance prohibits the installation of solar panels on any street facing façade or roof plane. The proposed ordinance would allow for their installation on these surfaces, if the certain design standards set forth in the amended ordinance are met.

Ordinance 2180 amends the town sign code with regard to wall mounted signage on corner lots in commercial zone districts. This ordinance allows for additional wall mounted signs on each wall which has a direct street frontage.

Ordinance 2181 amends the definition of the term accessory building or structure. The existing definition includes the term "private summer house" which would be removed.

Ordinance 2182 amends the parking standards to require minimum parking space dimensions for garaged parking spaces.

Chairman Newell called for a motion. Michael La Place made a motion that ordinances #2177, 2180, 2181, and 2182 are consistent with the master plan and should be adopted by the town council; Ann Freedman seconded.

ALL IN FAVOR:	Robert Newell, Mayor Shelley Brindle, Linda Habgood, Michael Ash, Michael La Place, Kris McAloon, Ann Freedman, Anastasia Harrison, Matthew Ceberio, Ross Goldstein
OPPOSED:	None
ABSTAINED:	None
ABSENT:	Darielle Walsh

Chairman Newell called for a motion for Ordinance #2178. Michael Ash made a motion that ordinance #2178 is consistent with the master plan and should be adopted by the town council; Linda Habgood seconded.

ALL IN FAVOR: Robert Newell, Mayor Shelley Brindle, Linda Habgood, Michael Ash, Michael La Place, Kris McAloon, Ann Freedman, Matthew Ceberio, Ross Goldstein
 OPPOSED: Anastasia Harrison
 ABSTAINED: None
 ABSENT: Darielle Walsh

General Ordinance #2183-Replaces General Ordinance #2179-An ordinance establishing a Historic Preservation Commission and providing for the designation and preservation of historic districts and historic landmarks.

Maria Boyes and Robert Wendel from the Historic Preservation Commission gave a presentation about the revisions to the HPC ordinance. The revisions of this ordinance have been talked about since the 2002 master plan. The existing historic preservation ordinance was created in 1984 with revisions in 2008, and was approved by the town council in 1986 in an effort to protect the town's history. The existing ordinance is in direct conflict with the MLUL as it includes a voting procedure for the creation of any historic district. The existing ordinance includes inadequate wording regarding what kinds of changes would trigger a minor or major submission for a certificate of appropriateness. The historic preservation ordinance is an extension of the municipalities zoning laws and should be tailored to the community's character and historic preservation goals. The existing ordinance does not comply with MLUL as only the elected council can designate historic landmarks and sites. The proposed revision lowers the threshold from the existing ordinance for petitions of protest (20% vs 25%). It institutes a requirement for a super majority vote of 2/3 of the town council to override the written petition of protest. This ordinance adds an historic commission review process step for any site plan, subdivision, or variance request related to properties identified in the Historic Plan Element of the Master Plan with those already designated. The ordinance removes the requirement to submit exterior paint colors to the HPC for approval and removes the fees associated with submitting an application for a certificate of appropriateness. It adds an informal review process to expedite understanding of the proposed plans, and adds the ability to waive items for non-relevancy when reviewing certificate of appropriateness submissions. It includes a demolition provision review process for homes built prior to 1930, and it allows time for possible designation by the town council and allows the HPC and planning board time to give input. Some of the proposed revision misconceptions which are unchanged from the existing ordinance include the HPC is an advisory board, they only have purview over the changes to the exterior of the homes and have no jurisdiction over interior modification, the criteria utilized by the HPC in the creation of advisory reports is based on the national register of historic places criteria of eligibility. There is a frequently asked questions page on the town website regarding the revised ordinance and any questions can be emailed to the HPC.

The following members of the public offered comments regarding the ordinance:

Julia Diddell (411 Elm Street), Evan Topilow (355 Orenda Circle), Robin Ratkowski (107 Hazel Avenue) Robert Benacchio (528 Forest Avenue), Shawn Mullen (763 Carleton Road), David Tsui (104 Hazel Avenue).

Closed to public comments.

The Board agree it was an outstanding presentation showing how important preservation is and that the updates are reasonable and conform with the 2019 master plan reexamination.

Chairman Newell called for a motion. Anastasia Harrison made a motion that ordinance #2183 is consistent with the master plan and should be adopted by the town council; Linda Habgood seconded.

ALL IN FAVOR: Robert Newell, Mayor Shelley Brindle, Linda Habgood, Michael Ash, Michael La Place, Kris McAloon, Ann Freedman, Anastasia Harrison, Matthew Ceberio, Ross Goldstein

OPPOSED: None

ABSTAINED: None

ABSENT: Darielle Walsh

Motion carried.

There being no further business, a motion to adjourn was made, seconded and carried. The meeting adjourned at 10:50 pm.

Respectfully Submitted,

Linda Jacus
Administrative Secretary